



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/509,256	03/22/2000	IGOR STEPANOVITCH NOSOV	P-001ERM	3604

7590

03/14/2002

LACKENBACH SIEGEL MARZULLO ARONSON & GREENSPAN
ONE CHASE ROAD
PENTHOUSE SUITE
SCARSDALE, NY 10583

EXAMINER

WACHTEL, ALEXIS A

ART UNIT

PAPER NUMBER

1771

DATE MAILED: 03/14/2002

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/509,256

Applicant(s)

NOSOV ET AL.

Examiner

Alexis Wachtel

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Detailed Action

Specification

1. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.
2. 35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms which are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification are: "The attributes as set forth above relate to a range of inventions interconnected by the common author's conception," (Specification pp.7, lines 16-17).
3. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Art Unit: 1771

5. Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. With regards to claim 1, Applicant does not clearly describe what is meant by phrase "wherein said material uses as a filler the segregated by intermixing poly-dispersed mixture containing metallic particles". Examiner assumes that phrase means that metallic particles are suspended in a polymer. In addition, Applicant does not clearly describe what is meant by phrase "the density of X-ray absorbing properties of the material as a whole, at X-ray absorbing properties of the material being equal to those of the material used for the particles of the X-ray absorbing properties of the material used for the particles of the X-ray absorbing filler, is defined by the relation:

$\rho_m = (0,01 \div 0,20) \rho_p$ ". The equation: " $\rho_m = (0,01 \div 0,20) \rho_p$ " is not clearly written.

There is a discrepancy of the claim formula with the Specification formula on pp.6 (+ Vs -). As such the limitation relating to the density of X-ray absorbing properties will not be examined on the merits due to a lack of comprehension of Applicant's equation.

Applicant fails to describe what is meant by phrase "a textile base serves as a matrix, and wherein the particles are bonded to the surface of said textile base". Examiner fails to understand how said textile base can function as a matrix if particles are bonded to the surface of said textile base. In this case, the particles would function as a coating, and the textile base would not function as a support matrix. However, Examiner assumes that Applicant means for particles to be bonded to surface of textile base as well as embedded in said textile base so that said textile base functions as a matrix.

7. With regards to claim 2 and 3, Applicant does not clearly describe what is meant by phrase "wherein said material uses as a filler the segregated by intermixing poly-dispersed mixture containing metallic particles". Examiner assumes that phrase means that metallic particles are suspended in a polymer. With regards to claims 2 and 3, Applicant also does not clearly describe what is meant by the phrase "surrounded by the volume of the matrix". Does Applicant mean that at least some of the particles are embedded or encased in the poly-dispersed mixture? Examiner assumes this is so. With regards to claims 2 and 3, Applicant does not clearly describe what is meant by phrase "segregated by intermixing poly-dispersed mixture". Examiner assumes that Applicant means for particles in said poly-dispersed mixture to be uniformly distributed in the poly-dispersed mixture. With regards to claim 2, Applicant does not clearly describe what is meant by phrase "the total mass of the segregated poly-dispersed mixture consisting of particles of X-Ray absorbing filler, is defined by the relation: $M = (0,05 \div 0,5)m$ ". There is a discrepancy of the claim formula with the Specification formula on pp.7 ($\div V_s$ -). Also, Applicant does not clearly describe what is meant by phrase "equal by its protective properties." As such the limitation relating to the total mass of segregated poly-dispersed mixture consisting of particles of X-Ray absorbing filler will not be examined on the merits due to a lack of comprehension of Applicant's equation. With regards to claim 2, Applicant does not clearly describe what is meant by the phrase "matrix made of... the composition on the base of said composition". What does this phrase mean. Said phrase will not be given patentable weight due to its

Art Unit: 1771

incomprehensibility. With regards to claim 3, Applicant does not clearly describe what is meant by phrase "composition on the base of said compound". What does this phrase mean? Said phrase will not be given patentable weight due to its incomprehensibility. Claim 2 recites the limitation "the base of said compound". There is insufficient antecedent basis for this limitation in the claim. Claim 3 recites the limitation "the base of said compound". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,849,311 to Sawan et al.

Sawan et al discloses an organic matrix immobilized on a substrate wherein metallic materials are associated with the matrix (Abstract). The metallic material can be a metal, metal oxide, metal salt, metal complex, metal alloy or mixture (Col 3, lines 47-52). Metals that can be used include silver, zinc, cadmium, lead, mercury, antimony, gold, aluminum, copper, platinum and palladium, their salts, oxides, complexes, and alloys. (Col 3, lines 47-60). Examiner notes that above disclosed metals have radiation absorbing properties to some degree. Said metallic material is in particulate form that is dispersed in an emulsion (Col 4, lines 1-5). The coating can be applied to a substrate by dip coating (Col 6, lines 19-23). The coating comprises a polymer material such as

Art Unit: 1771

Polyhexamethylene buguaninde (Col 13, lines 60-65). Particles are submicron size (Col 6, lines 32-25). Said coating can be used on wound dressing, personal hygiene products, household products, food preparation surfaces and packaging (Col 12, lines 32-40) as well as surgical gloves (Col 1, line 67). Conventionally, wound dressings are wovens or nonwovens, food packaging materials and surgical gloves are films and personal hygiene products such as diapers have non woven materials as well as film layers that could be coated with said coating. Inherently, if coating is applied to a woven or nonwoven, at least some yarns or fibers will be coated completely.

10. Claims 2 are rejected under 35 U.S.C. 102(b) as being anticipated by GB 1260342.

GB 1260342 discloses a body, for example a plate, coating, or flexible sheeting selected from the group consisting of natural and synthetic rubbers and synthetic plastics such as polyurethane, polyamides and the like (pp.1, lines 43-50, 69-76). The body includes at least one compound of a saturated fatty acid which has at least 9 carbon atoms with at least one metal selected from the group consisting of lead, lead compounds, tungsten, tungsten compounds etc (pp.1, lines 54-60). The body, according to a preferred embodiment includes effective amounts of at least one finely subdivided substance selected from the group consisting of lead, lead compounds, tungsten, tungsten compounds etc. Preferably the finely subdivided substance is of colloidal particle size (pp.1, lines 85-96). Preferably the body is formed by mixing the synthetic material or natural rubber in polymerizable form with the fatty acid, and

Art Unit: 1771

followed by subjecting the thusly formed mixture to polymerization of the polymerizable component thereof (pp. 2, lines 3-10).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1 and 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB 1260342.

The invention of GB 1260342 as set forth above fails to disclose the use of a textile substrate such as mineral fibers. It is known in the art that mineral fibers such as glass are often used to reinforce plastic and resins. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated a textile substrate such as mineral fibers into the body of GB 1260342 as set forth above motivated by the desire to introduce reinforcing means into said body in order to increase said body's durability.

Conclusion

10. The prior art of record and not relied upon is considered pertinent to Applicant's disclosure. In addition, the following references are cited for disclosing various aspects of Applicant's invention:

US 3239669

Art Unit: 1771

11. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Alex Wachtel, whose number is (703)-306-0320. The Examiner can normally be reached Mondays-Fridays from 8:30am to 4:30pm.

If attempts to reach the Examiner by telephone are unsuccessful and the matter is urgent, the Examiner's supervisor, Mr. Terrel Morris, can be reached at (703) 308-2414. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



TERREL MORRIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700